

DETAILED ACTION

Rejoinder

Claims 19-21 are allowable. Claims 22-35, previously withdrawn from consideration as a result of a restriction requirement, requires all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), **the restriction requirement among inventions I-III, as set forth in the Office action mailed on 02/27/2009, is hereby withdrawn** and claims 22-35 hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Allowable Subject Matter

Claims 19-35 are allowed.

The following is an examiner's statement of reasons for allowance: the instant application discloses an aluminum oxide composition with a surface area of 135-190 m²/g. A dibutyl phthalate absorption of 150-350g/100g, an OH density ranging from 8-12 OH/nm² wherein high-resolution TEM pictures show only crystalline primary particles; and wherein an X-ray diffractogram of the aluminum oxide powder exhibits an intensity,

expressed as the counting rate, of less than 50 at an angle 2θ of 67° . The closest art is U. S. Patent No. 6,193,795 to Margiello et al. Margiello et al. disclose flame produced aluminum oxide, which has BET of 80-120 and DBP of 150-200 g/100g. But it fail to disclose that the composition has an OH density ranging from 8-12 OH/nm² wherein high-resolution TEM pictures show only crystalline primary particles; and wherein an X-ray diffractogram of the aluminum oxide powder exhibits an intensity, expressed as the counting rate, of less than 50 at an angle 2θ of 67° .

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHUANGYI ABU ALI whose telephone number is (571)272-6453. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J.A. LORENZO/
Supervisory Patent Examiner, Art Unit 1793

/Shuangyi Abu-Ali/
Examiner, Art Unit 1793